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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER	
ROE, JESSEE RANDALL	
ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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IPMatters@arentfox.com
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Continuation Sheet

First, the Applicant primarily argues that in the SUMMARY OF THE INVENTION section in paragraph [0008] that the invention was "made in light of the above demands" and it is an object thereof to present an alloy wire exhibiting "superior corrosion resistance and wear resistance". In response, the presence of nickel in the cobalt-chromium-molybdenum alloy would not be precluded as indicated by Applicant in [0003] because [0003] allows for up to 5 weight percent nickel. Therefore, "the alloy being Ni-free as indicated in line 3 of claims 1 and 15 would not meet the written description requirement.

[0003] To meet such demands, a technology realizing plastic working by adding Ni to this alloy has been proposed (see patent reference 1, Japanese Laid-open Patent No. H10-43314). Specifically, by manufacturing a long member of Co-Cr-Mo containing Ni by less than 5 weight %, a transplantable medical device can be presented. However, Ni is allergenic, and it is

Second, the Applicant primarily argues that the teachings of the concentrations of molybdenum, chromium, and cobalt would be different from the claimed roundness which would be a ratio of minor diameter over major diameter and that there is no indication anywhere in Stinson ('191) that indicates the degree of roundness. In response, Stinson ('191) indicates that the filaments would be substantially homogeneous in cross section and according to Figure 3 these filaments would be round col. 5, lines 5-7). Furthermore, the Applicant has not shown that the relative dimensions "a degree of roundness (minor diameter/major diameter) of lateral cross

section of 0.6 or more"; "a diameter of 200 micrometers or less"; and "a uniform structure with a concentration ratio of maximum Mo concentration phase with respect to minimum concentration phase of 1.8 or less" would perform differently from the prior art device. MPEP 2144.04 (IV)(A).

Third, in response to applicant's arguments against the references individually (Stinson ('191) and not Stinson ('191) in view of JP 2002-363675), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessee Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Sheehan/
Primary Examiner, Art Unit 1793

JR